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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,528	10/06/2003	Kazuhiro Takeda	SIC-03-036	2527
29863	7590	05/03/2005	EXAMINER	
DELAND LAW OFFICE P.O. BOX 69 KLAMATH RIVER, CA 96050-0069			LEE, GUNYOUNG T	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

FK

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/605,528		TAKEDA, KAZUHIRO	
	<b>Examiner</b>		<b>Art Unit</b>	
	Gunyoung T. Lee		2875	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                                     |

## Detailed Action

### ***Claim Objections***

1. Claim 2, 5, 7, 12, 14 and 16 are objected to because of the following informalities:  
The word "the information" is recited without sufficient antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin (US 5,690,410).
4. Lin discloses a bicycle lighting device having:
  - A computer housing (Fig. 1, 10) adapted to be mounted to a bicycle handle (32);
  - Wherein the computer housing (10) includes a downwardly beveled portion (Fig. 2);
  - A computer/microprocessor (Fig. 4, 20) housed within the computer housing (10);
  - Wherein the lighting device (Fig. 4, 11) is controlled by the computer/microprocessor (20) (Col. 2, lines 37-42);

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- Wherein the lighting device (11) is housed at the beveled portion of the computer housing (10) so that light emitted by the lighting device (11) is directed forwardly and downwardly outside of the computer housing (Fig. 2);
- A display (13) housed within the computer housing (10);
- Wherein the computer/microprocessor (20) controls the information provided on the display (13) (Col. 2, lines 26-27);

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US 5,690,410) in view of Sun et al. (US 5,477,425).

8. Lin was discussed in the rejection of claims 1-6 above. Lin shows the invention substantially as claimed except for the lateral lighting in which light emitted by the lighting device is directed laterally outside of the housing.

9. In regards to the lateral lighting, Sun et al. disclose a bicycle lighting device (Fig. 7) in which light emitted by the lighting device is directed laterally (10) outside of the lighting device (1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the lateral lighting as shown in Sun et al. for the bicycle light of Lin in order to illuminate the area around the bicycle for better safety of the rider.

10. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US 5,690,410) as applied to claims 1-6 above, and further in view of Baker (US 3,792,307).

11. Lin was discussed in the rejection of claims 1-6 above. Lin shows the invention substantially as claimed except for a battery housing spaced apart from the light/computer housing (Claims 9, 13), an alternating current generator (dynamo) which provides power to the battery (Claim 10), and a second lighting device disposed outside of the battery housing (Claims 11, 13, 15).

12. In regards to the battery housing spaced apart from the light/computer housing (Claims 9, 3), Baker discloses a bicycle lighting system (Fig. 1) having a battery housing (13) which is separated from the light housing (11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the

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separated battery housing of Baker for the lighting device of Lin in order to provide power to the light/computer housing regardless of the motion of a bicycle. The battery in the battery housing can provide power to the light/computer housing when a bicycle slows down or actually stops such as at an intersection.

13. In regards to the alternating current generator (dynamo) which provides power to the battery (Claim 10), the bicycle lighting system disclosed by Baker has a generator (14) which provides d-c voltage to the battery and to the lights. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the d-c generator (dynamo) of Baker for the bicycle lighting device of Lin in order to provide strong power to the rechargeable battery and to the lights when the bicycle is traveling. A d-c voltage created by the generator (dynamo) increases as the speed of the bicycle increases. At a high speed, the output d-c from the generator is sufficient to provide power to both lights and rechargeable battery.

14. In regards to the second lighting device disposed outside of the battery housing (Claims 11, 13, 15), the bicycle lighting system disclosed by Baker has secondary/auxiliary lights (16, 17) which are disposed outside of the battery housing and designed to illuminate the bicycle and rider from all directions. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the secondary/auxiliary lights of Baker for the lighting system of Lin in order to provide a clear indication of a bicycle presence. The clear indication of the bicycle makes it easier for the automobile drivers to detect or identify the bicycle during evening or night hours.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wu et al. (US 4,974,124) show a bicycle light device having a main casing (Fig. 2, 20) to be attached to a handlebar stem of a bicycle, a light bulb (42), a speedometer assembly with indicator scale and needle, an upper casing part (200') with a window opening (Fig. 5, E) and a transparent pane member (F). Schwaller et al. (US 5,384,693) show a bicycle lighting system in which light emitted from the lighting device is directed into forward, lateral and upward directions. Bloomfield (US 3,894,281) shows bicycle lighting devices with a battery housing, a generator (dynamo), and secondary/auxiliary lights.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached on 7:30 - 4:00 PM.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

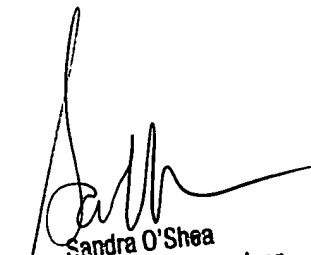
18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL

4/29/2005



Sandra O'Shea  
Supervisory Patent Examiner  
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